

Marlon Collins

Name

Prison Number

TO BOX 1000
SANDSTONE, MN 55022

Address or Place of Confinement

Note: If represented by an attorney, write attorney's name, address & telephone number

United States District Court

Mr. Marlon Collins

Full Name (First, Middle, Last)

Petitioner,

vs.

Mr. SCOTT FISHER

Name of Warden Mr. Charles Samuels, Dir.
(or other authorized person having custody of petitioner)

Respondent.

CASE NO. 13 cv 1471 Aom/531

(to be supplied by the Clerk of the
United States District Court)

**PETITION FOR
WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241
BY A PERSON IN FEDERAL CUSTODY**

PLEASE COMPLETE THE FOLLOWING (check the appropriate number):

This petition concerns:

1. a conviction
2. a sentence
3. jail or prison conditions
4. prison discipline
5. a parole problem
6. other

CAUTION: If you are attacking a federal conviction, sentence or judgment, you must first file a direct appeal or motion under 28 U.S.C. § 2255 in the federal court which entered judgment.

SCANNED
JUN 17 2013

U.S. DISTRICT COURT MPLS

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 BY A PERSON IN FEDERAL CUSTODY

PETITION

- (1) Place of detention: FCI SANDSTONE
- (2) Name and location of court which imposed sentence: MINNESOTA USDC
- (3) Offense(s) and indictment number(s) (if known) for the sentence imposed:
COCAIN CONSPIRACY AFTER 2 PRIOR PRE-FSA
CRACK BASED INDICTMENT, CONVICTIONS, & SENTENCES
- (4) The date upon which sentence was imposed and the terms of the sentence:
240+ months (over 20 yrs)
- (5) What was your plea (check one): Not guilty Guilty Nolo contendere
- (6) Kind of trial (check one): Jury Judge only
- (7) Did you appeal from the judgment of conviction or the imposition of sentence: Yes No
- (8) If you did appeal, answer the following for *each* appeal:

FIRST APPEAL:

Name of court:

8TH CIRCUIT COURT OF APPEALS

Grounds raised (list each):

- 1) ILLEGAL CRACK CONVICTION & SENTENCE ENHANCEMENT
 2) DEPRIVATION OF CONSTITUTIONAL RIGHT VIA PROCEDURE

Result/Date of result:

PendingSECOND APPEAL:

Name of court:

Grounds raised (list each):

- 1)
 2)

Result/Date of result:

GROUND FOR THIS 28 U.S.C. § 2241 PETITION

- (9) State *CONCISELY* every ground on which you claim that your sentence is being executed in an illegal manner. Summarize *briefly* the facts supporting each ground. If necessary attach additional pages behind this page.

CAUTION: If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

- GROUND ONE CRACK BASED Sentence enforcement grounds
for 18 USC 3582(c)(1)(A) motion by WARDEN/FBP DIR.
SEE ATTACHED
 Supporting FACTS for GROUND ONE (tell your story BRIEFLY without citing cases or law).

CAUTION: You must state facts, not conclusions, in support of your grounds. A rule of thumb to follow is -- who did exactly what to violate your rights at what time or place.

Collins asked Warden Fisher to seek reduction by recommending to THE NEXT AUTHORITY in THE CHAIN to seek via 18 USC 3582(c)(1)(A) & (C)(1)(B) THE REDUCTION of Collins BUNIS TIME DUE TO THE MANNER, MEANS, and ELEMENTS leading to Collins current imprisonment.

- GROUND TWO Collins is entitled to 18 USC 3582(c)(1)(A) motion per Sentencing reform ACT BUT HAS IT NOT.
SEE ATTACHED

Supporting FACTS for GROUND TWO (tell your story BRIEFLY without citing cases or law).

Collins asked according to statutory entitlement BASED in EQUAL PROTECTION VIOLATIONS & PROSPECTIVE ENFORCEMENT AND CONTRARY TO FEDERAL REGULATIONS WARDEN FISHER & FBP HAS NEITHER GRANTED IT NOR PROVIDED (WHICH IS CONSTITUTIONALLY CONFLIMT REASON NOT TO).

ADMINISTRATIVE APPEALS

- (10) Have you presented the claims raised in Question #9 of this petition to prison officials in a prison administrations appeal?

Yes

No If your answer is no, explain why not: _____

If your answer is yes, answer the following for *each* administrative appeal:

FIRST ADMINISTRATIVE APPEAL

Grounds raised (list each):

1)

"SAME"

2)

" "

Level of appeal:

INSTITUTION BL-8

Result/Date of result: _____

see attached

SECOND ADMINISTRATIVE APPEAL

Grounds raised (list each):

1)

"SAME"

2)

" "

Level of appeal:

INSTITUTION BL-9

Result/Date of result: _____

see attached

THIRD ADMINISTRATIVE APPEAL
Grounds raised (list each):Level of appeal: Institution BP-10

- 1) _____ " _____
2) _____ " _____

Result/Date of result: _____ see attachedFOURTH ADMINISTRATIVE APPEAL

Grounds raised (list each):

Level of appeal: Institution BP-11

- 1) _____ " _____
2) _____ " _____

Result/Date of result: _____ see attached

- (11) Is the grievance process completed? Yes () No ()

PREVIOUS PETITIONS

- (12) Have you filed previous petitions for habeas corpus under 28 U.S.C. § 2241 or 28 U.S.C. § 2255, or any other applications, petitions or motions with respect to the claims raised in Question #9 of this petition?

Yes (X) No ()

- (13) If your answer to Question #13 was yes, give the following information for *each* previous petition:

FIRST PREVIOUS PETITIONName of court: UDC / MNNature of proceeding: 2255

Grounds raised (list each):

- 1) INEF. ASSISTANCE OF COUNSEL
2) ILLEGALITY & CONSTITUTIONAL VIOLATIONS

Result/Date of result: GRANTEDSECOND PREVIOUS PETITIONName of court: UDC / MN & 8TH CIRCUITNature of proceeding: C.O.A. MOTIONS

Grounds raised (list each):

- 1) _____ " _____
2) _____ " _____

Result/Date of result: Pending

- (14) If the claims raised in Question #9 of this petition concern your conviction or sentence, explain why you are filing your petition pursuant to § 2241 instead of § 2255.

Concerns only EXECUTIVE BRANCH ENFORCEMENT OF WARRANT OF COMMITMENT & REVIEW OF THE VIOLATION OF EQUAL PROTECTION IN THEIR ENFORCEMENT ACTS AND FAILURE TO INVESTIGATE ILLEGALITY IN PROSECUTION ENFORCEMENT & FAILURE TO SEEK (BUSC 3582CCVCA) NON MEDICAL SECTION DUE TO ADMITTED EQUAL PROTECTION VIOLATION & UNREASONABLENESS

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(15) Are you presently represented by counsel?

Yes () No

If so, provide your attorney's name, address, and telephone number:

N/A

(16) If you are seeking leave to proceed *in forma pauperis*, have you completed the application setting forth the required information?

Yes No ()

Note: If your answer is no, you must send a \$5.00 filing fee to the court with your petition.

WHEREFORE, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

(Date)

5/21/2013

SS# 285C1746: JC
(Signature of Petitioner)

N/A
(Signature of Attorney, if any)